

**UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

**IN RE: Vera E. Desantis  
David J. Desantis**

**Debtor(s)**

**PNC Bank, National Association, its successors  
and/or assigns**

**Movant**

**vs.**

**Vera E. Desantis  
David J. Desantis**

**Respondent(s)**

**BK NO. 21-10466 TPA**

**Chapter 13**

**Related to Document No. 27**

**Hearing Date: 11/9/2021**

**OBJECTION OF PNC BANK, NATIONAL ASSOCIATION , ITS SUCCESSORS  
AND/OR ASSIGNS TO CONFIRMATION OF CHAPTER 13 PLAN**

PNC Bank, National Association, objects to confirmation of Debtor's Chapter 13 Plan and asserts in support of its Objection as follows:

1. Movant's claims are secured by two mortgages on Debtor's property at 806 Wyoming Avenue, Erie, PA 16505.
2. The claims bar date is November 1, 2021. Movant intends to file two total debt claims on or before the bar date:
  - A. A total debt claim estimated at \$43,514.42 with an annual interest rate of 5.94%;
  - B. A total debt claim estimated at \$3,677.65.
3. Debtor's Plan provides for payment in the amount of \$4,000 towards the arrearage of one of Movant's claims. Since both loans have matured, the only right the Debtor(s) have is to satisfy both of Movant's claim, pursuant to 11 U.S.C. 1322 (c) (2). The Debtor's plan impermissibly attempts to cure the arrearage on the Movant's claim.
4. Further, the Debtor impermissibly attempts to "cramdown" one of Movant's claim even though the fair market value of the property located at 806 Wyoming Ave Erie, PA 16505, is sufficient to fully secure the Movant's claim pursuant to 11 U.S.C. 506(a).
5. Debtor's Plan understates the amount of the Movant's claim, and does not provide sufficient funding to pay said claim including present value interest.
6. Accordingly, Debtor's Plan is not feasible, as it does not fully compensate the Movant.
7. In addition, the Debtor's Plan fails to comply with 11 U.S.C. §§ 1322 and 1325.

WHEREFORE, the Movant, PNC Bank, National Association prays that the Court deny confirmation of the Debtor's Plan.

Respectfully submitted,

Date: October 28, 2021

By: **/s/ Maria D. Miksich, Esquire**

Maria D. Miksich

[mmiksich@kmlawgroup.com](mailto:mmiksich@kmlawgroup.com)

Attorney I.D. No. 319383

KML Law Group, P.C.

BNY Mellon Independence Center

701 Market Street, Suite 5000

Philadelphia, PA 19106

Phone: 412-430-3589 (Internal Ext: 1589)

Fax: 412-430-3553